

**LAW LIBRARY OF CONGRESS**  
**RIGHTS OF PEOPLE WITH DISABILITIES**

**ITALY**

***SUMMARY***

Law on the disabled in Italy is founded on constitutional principles. The Constitution recognizes and guarantees the inviolable human rights and requires the performance of certain fundamental duties, including the duty to work. These rights and duties apply to citizens equally, without regard to social and personal conditions. The duty to work, consequently, also applies to persons with disabilities, who must contribute, within the limits of their abilities, to the community. An additional constitutional consideration is the provision on the protection of the health of the individual. Furthermore, the Constitution specifically addresses the situation of citizens unfit for work in a provision that constitutes the focal point for the constitutional protection of the disabled. It establishes that every citizen unfit for work and without means of livelihood has the right to maintenance and social assistance, and that the unfit and disabled have the right to vocational instruction and training.

Legislation for the protection of persons with disabilities developed over the years in a fragmentary fashion until 1992, when Parliament approved the first organic law, a type of charter for disabled people that incorporated some of the previous provisions and established the general principles from which appropriate rules may be developed in specific areas to better address the needs of people with disabilities, and to guide the government institutions in their actions.

**Scope of Coverage.**

- The provisions on the disabled cover:
- Support services and job placement, plus protection against dismissal (quotas based on the size of the business—e.g. enterprises employing more than 50 workers must hire 7 percent disabled workers)
  - Education must be available at all levels, with specific technical and educational assistance for disabled students attending universities
  - State and private facilities open to the public must be accessible; new buildings and renovations subject to rules on removal of architectural barriers
  - Public transportation must be as available to the disabled as anyone else
  - Grants and reduced tax rates apply to the purchase of specialized motor vehicles and special parking spaces must be reserved
  - Companies licensed for the distribution of radio, television, and telephone services are to facilitate access by persons with disabilities

**Legislative Objective.**

The intent is to assure persons with disabilities of the right to overcome their conditions with the support of the national community. It is considered to be a duty of individuals and of State institutions to make this happen and to make disabled people's participation effective and productive for society.

**Public Policy Implementation.**

The 1992 Law provides for the implementation and monitoring of its provisions at the central and local government levels and assigns the tasks of coordinating the activities of the administrative offices responsible for achieving the objectives set up by the law and of promoting policies that support persons with disabilities to the Minister for Social Policies. Some aspects of the policy related to employment are handled by the Ministry of Labor

**Enforcement and Remedies.**

Article 36 of the 1992 establishes that punishment for certain crimes, including non-negligent crimes against the person, is increased by one-third to one-half when the victim is a disabled person. Public and private employers are subject to fines imposed by the Provincial Directorate of Labor for violation of their obligation to hire disabled workers. In the case of public facilities, licenses for use are not issued if the building is not in compliance with rules on accessibility and removal of barriers. Designers, project directors, and engineers are personally responsible for insuring compliance and subject to fines or suspension from their professions for up to six months if their projects do not comply.

**Affirmative Defenses.**

No information.